

REMARKS

Applicant respectfully requests reconsideration of the application in view of the foregoing amendments and the following remarks.

Claims 4-6 are amended to correct clerical errors. These amendments do not introduce any new matter. While these amendments are not believed to affect the scope of the claims, Applicant reserves the right to pursue any canceled subject matter in one or more applications with the same rights of priority as the instant application.

Upon entry of the amendments, claims 1-6, 36-40, 50-53, and 55-63 will remain pending. Applicant respectfully requests reconsideration of these claims.

§ 112 Rejections

The claims are rejected under 35 USC § 112 for alleged indefiniteness for the reasons set forth at pages 2-3 of the Action. Applicant respectfully traverses these rejections in as much as they may be applied to the instant claims.

The issues raised in paragraphs (a) – (e) and (g) – (l) at pages 2-3 of the Action appear to stem from a misunderstanding of the substituent R⁴ in formula 6. As recited in claim 1, R⁴ may be an alkyl group. As taught at pages 9-10 of the application, the term “alkyl” includes “linear, branched and cyclic alkyl groups.” Thus, claims reciting cyclopropylethyl, cyclopentylmethyl, cyclohexylmethyl, or cyclobutylmethyl moieties indeed fall within the scope of formula 6, as defined in claims 1 and 62. Indeed, “cyclopropylethyl” is specifically mentioned as an exemplary alkyl group at page 10 of the application. Applicant therefore respectfully requests reconsideration and withdrawal of these rejections.

Applicant respectfully traverses the rejections of claims 4-6 as being substantial duplicates of claim 2. Claims 4-6 specify that the composition comprises an amount of the recited active agent that is effective for the treatment of a specific condition, i.e., primary dysmenorrhoea (claim 4), male erectile dysfunction (claim 5), or pre-term labour, hypertension, Raynaud's disease, brain oedema, motion sickness, small cell lung cancer, depression, anxiety, hyponatremia, liver cirrhosis or congestive heart failure (claim 6). Thus, claims 4-6 further define the recited composition by a physical characteristic (amount of

active agent), and do not merely recite an intended use. Applicant therefore respectfully requests reconsideration and withdrawal of the rejection reflected in paragraph (f).

Obviousness-Type Double Patenting Rejections

The claims are provisionally rejected over certain claims of co-pending applications 10/570,628; 11/659,798 and 10/486,715. In view of the provisional nature of these rejections, and the un-fixed nature of the cited claims, Applicant respectfully requests that these rejections be deferred until the application otherwise is in condition for allowance.

Conclusion

Applicant believes that the application now is in condition for allowance, and an early notice to that effect is earnestly solicited.

If there are any questions surrounding this submission, or if any issues remain, the Examiner is invited to contact the undersigned by telephone in order to advance prosecution.

The Commissioner is hereby authorized to charge any additional fees that may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extension of time is needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any extension fees to Deposit Account No. 19-0741.

Respectfully submitted,

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